

Notice of Allowability	Application No.	Applicant(s)	
	10/772,908	CEHELNICK, THOMAS G.	
	Examiner	Art Unit	
	Jeff Natalini	2858	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to amendment filed 1/13/06.
2. The allowed claim(s) is/are 21-40.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
 Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

Allowable Subject Matter

Claims 21-40 are allowed.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

In regard to claim 21, the prior art does not teach or render obvious a device for sensing presence and motion of a body in an interaction zone with a sensor positioned to pick up electrical fields in the interaction zone having a first stage buffer amplifier, a high pass filter connecting the output voltage signal from the sensor to the input of the first stage buffer amplifier, a second stage amplifier, and a low pass filter connecting the output of the first stage buffer amplifier to the input of the second stage amplifier in the combination as claimed (see remarks page 13-14).

Claims 22-35, depend from claim 21 and, therefore, are also allowable (the explanation as to where the limitations of claims 26-29 are described in the specification and drawings has been reviewed and the objections to claims 26-29 from the final office action dated 11/8/05 are deemed overcome).

In regard to claim 36, the prior art does not teach or render obvious comparing the processed output signal representative of the electric fields sensed by the sensor within a desired range of frequencies at a particular time with a processed output signal obtained for the background electrical field when no body is present in the interaction

zone, where differences in such signals indicating presence and motion of a body in the interaction zone in the combination as claimed.

The prior art of Zank et al. teaches sensing motion when a threshold E-field is detected (col 6 line 36-38), but this threshold is different than the background electric field when no body is present, as Zank et al. teaches compensating for background noise in the E-field by using signal processing to isolate the detect source from the background field, therefore the background noise (field at time no object is present) is eliminated so no comparison is made.

Claim 37 depends from claim 36 and, therefore, would also be allowable.

In regard to claim 38, the prior art does not teach or render obvious performing a particular body gesture in the interaction zone and obtaining a plurality of consecutive processed output signals over a particular period of time representing the particular body gesture to create a predefined body gesture signal representative of the particular body gesture, monitoring further processed signals over monitoring periods of time, comparing the monitored processed output signals with the predefined body gesture signal to determine if the predefined body signal is performed and providing an occurrence signal if the gesture is performed, and using the gesture to control the electrical apparatus in the combination as claimed.

Claims 39 and 40 depend from claim 38 and, therefore, are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Natalini whose telephone number is 571-272-2266. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on 571-272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeff Natalini



Anjan Deb
ANJAN DEB
PRIMARY EXAMINER